



P.O. Box 81906
Lincoln, NE 68501

EXHIBIT "A"

November 17, 2010

Mr. Harry Kroos
Engineering Services
531 Westgate Blvd, Suite 100
Lincoln, NE 68528

Dear Harry;

As a follow up to previous discussions regarding construction of a new hotel and renovation of the former Tool House building on the west half of Block 30 along 8th Street, between 'Q' and 'R' Streets, B&J Partnership, LTD is requesting use of the ROW in three locations. These locations are identified on the enclosed drawing titled Use of R.O.W. Permit, Tool House Redevelopment dated 06/22/2010. I've also enclosed a copy of our current Bond for Use of Public Space.

If you have any questions or need additional information, please contact me at my office at 323.3120 or my cell at 326.0577.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Fougeron', with a long, sweeping horizontal line extending to the right.

Ken Fougeron
Operations Manager

Enclosures

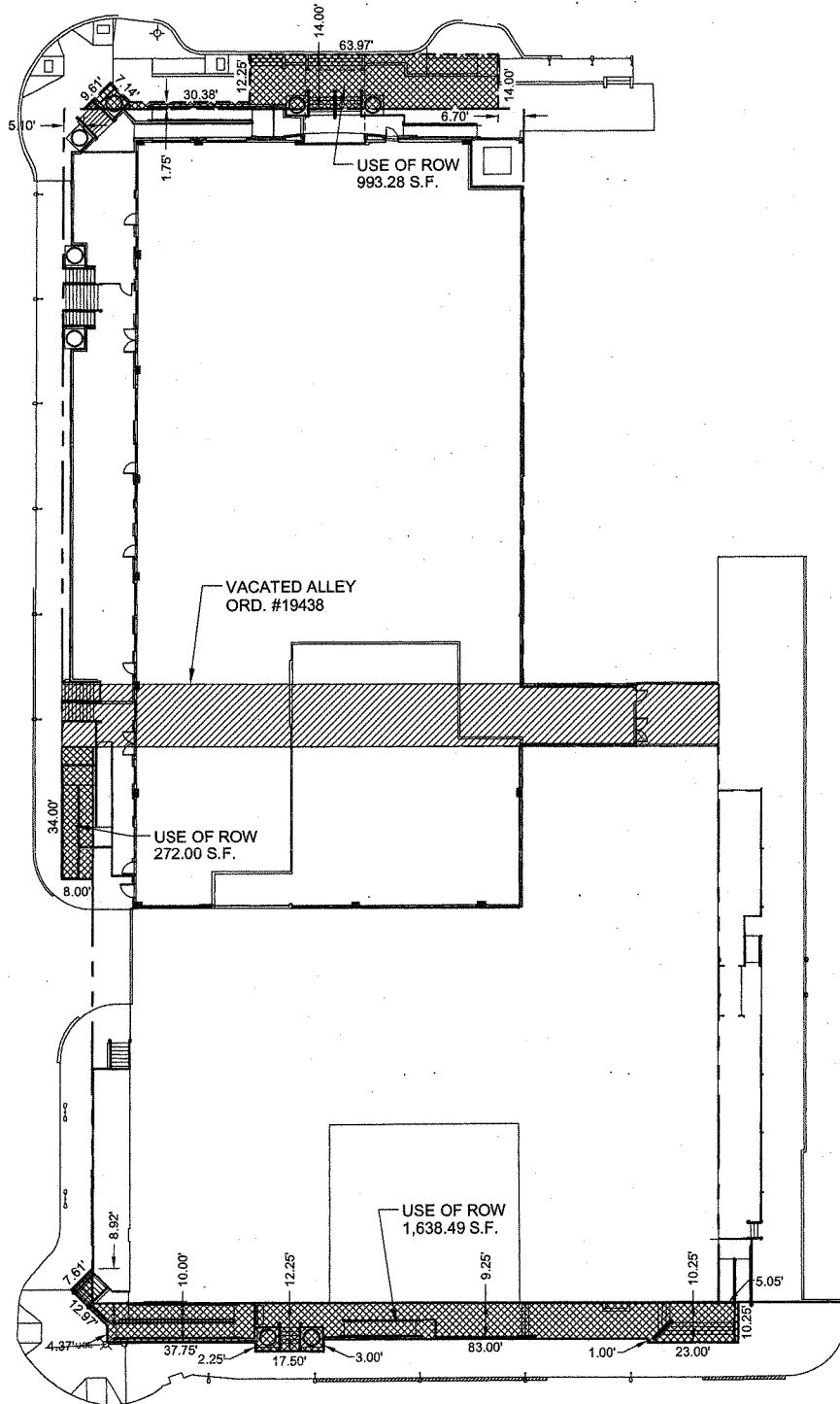
Cc: Darrick Rademacher, Civil Design Group, Inc.

'R' STREET



SCALE: 1" = 30'

N. 8TH STREET



'Q' STREET

LEGEND



-  VACATION OF CITY OF LINCOLN ALLEY
-  USE OF CITY OF LINCOLN RIGHT OF WAY

EXHIBIT "B"

DWG: F:\Projects\2010\20100003\LandPlanning\Exhibit\Use_of_ROW.dwg
 DATE: Feb 07, 2011 1:02pm
 USER: Jill Schuerman
 XREFS: 100003_base 100003_xbase 100003_bldg_frst_floor 100003_bldg_toolhouse

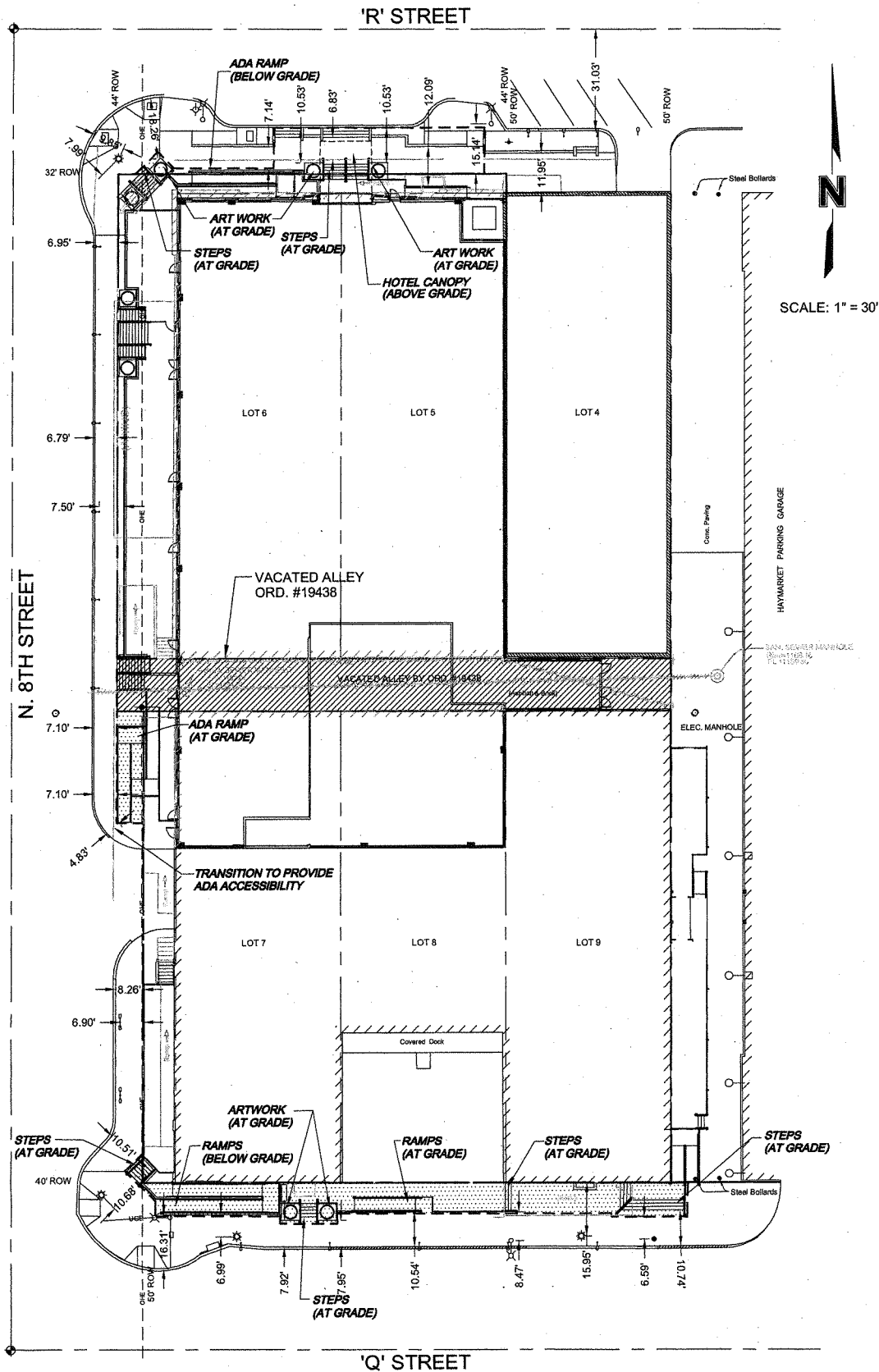
drawn by: jds
 checked by: -
 project no.: 2010-0003
 date: 02/07/2011

**USE OF R.O.W. PERMIT
 TOOL HOUSE REDEVELOPMENT
 LINCOLN, NEBRASKA**

 Civil Design Group, Inc.
 8555 EXECUTIVE WOODS DR., SUITE 200
 LINCOLN, NEBRASKA 68512
 PH. 402-434-8494 FAX 402-215-8747
 WWW.CIVILDG.COM
 CONSULTING ENGINEERS LAND USE PLANNERS
 CIVIL DESIGN SITE DEVELOPMENT PLANNING AND ZONING

EXHIBIT

1



DWG: F:\Projects\2010\20100003\landplanning\Exhibit\OBSTRUCTION EXHIBIT.dwg USER: jll Schuermon 100003_xbase
 DATE: Feb 07, 2011 12:52pm XREFS: 100003_base 100003_bldg_first_floor 100003_bldg_toolhouse

drawn by: jds
 checked by: -
 project no.: 2010-0003
 date: 02/07/2011

**OBSTRUCTION EXHIBIT
 TOOL HOUSE REDEVELOPMENT
 LINCOLN, NEBRASKA**



Civil Design Group, Inc.
 5555 EXECUTIVE WOODS DR., SUITE 200
 Lincoln, Nebraska 68512
 Ph. 402-434-8494 Fax 866-215-8747
 www.civildg.com

CONSULTING ENGINEERS *LAND USE PLANNERS
 CIVIL DESIGN *SITE DEVELOPMENT *PLANNING AND ZONING

EXHIBIT

A



UNIVERSAL SURETY COMPANY

601 SOUTH 12TH ST., SUITE 100 P.O. BOX 80468 LINCOLN NE 68501-0468
PHONE: (402) 435-4302 or 1-800-755-2666 FAX: (402) 435-3274 E-MAIL: bonds@universalinland.com

Copple Insurance Agency, Inc.

1640 "L" Street

P.O. Box 83405

Lincoln

NE 68501-

Agency Code: 261204

Bond Number: 109807

Renewal Report of Execution

Principal: B & J Partnership, Ltd. P.O. Box 81906 Lincoln NE 68501-	Obligee: City of Lincoln, Nebraska 555 South 10th Street Lincoln NE 68508-
Effective: 12/31/2010 Expiration: 12/31/2011 Term: 1	
Type of Bond: License and Permit	
Classification: Use of Public Property	
Bond Amount: \$5,000.00 Renewal Method: Continuous (4)	
Renewal Premium: \$50.00 Commission: \$15.00	
Description: Bond of Occupier of Public Space - 800 "Q" Street, Lincoln, NE, Use of Area Beneath Sidewalk, Resolution #A-57992	
This is the information for your <u>next</u> renewal: This is a continuous bond - unless we hear from you to the contrary, we will merely bill the anniversary premium.	
Remarks:	

RIDER

☒ UNIVERSAL SURETY COMPANY

☐ INLAND INSURANCE COMPANY

■ P.O. BOX 80468

■ LINCOLN, NEBRASKA 68501

TO BE ATTACHED TO AND FORM PART OF

Bond of Occupier of Public Space

NO. 109807

IN FAVOR OF (Type of Bond) City of Lincoln, Lincoln, Nebraska
(Obligee)
ON BEHALF OF B & J Partnership, Ltd.
(Principal)
EFFECTIVE 12-31-10
(Original Effective Date)

IT IS AGREED THAT, In consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider,

1. The Surety hereby gives its consent to:

☐ INCREASE

☐ CHANGE THE NAME OF THE PRINCIPAL

☐ DECREASE

☐ CHANGE THE ADDRESS OF THE PRINCIPAL

☐ CHANGE THE EFFECTIVE DATE

☐ CHANGE THE EXPIRATION DATE

☒ OTHER change described location

(of) the attached bond FROM: 800 "Q" Street, Lincoln, NE Use of Area Beneath Sidewalk RESOLUTION #A-57992

TO: Resolution #A-57992; 800 "Q" St., Lincoln, NE; 1) Use of Area Beneath Sidewalk; 2) 272.00 Square Feet on the East Side of 8th St. South of the Vacated Alley; & 3) 993.28 Square Feet on the South Side of 'R' St.
EFFECTIVE: 12-31-10

2. PROVIDED, however, that the attached bond shall be subject to all its agreements, limitations, and conditions except as herein expressly, modified, and that the liability of the Surety under the attached bond and under the attached as changed by this rider shall not be cumulative.

3. Signed, and sealed this 13th day of April, 20 11.

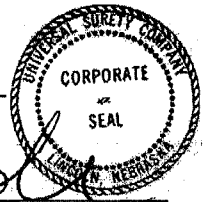
ACCEPTED BY:

UNIVERSAL SURETY COMPANY

By:

S. Edward Copple,

Attorney-in-Fact



(Title)

UNIVERSAL SURETY COMPANY

Lincoln, Nebraska

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That the **UNIVERSAL SURETY COMPANY**, a corporation of the State of Nebraska having its principal office in the City of Lincoln, Nebraska, pursuant to the following Bylaw, which was adopted by the Board of Directors of the said Company on July 23, 1981, to wit:

"Article V-Section 6. **RESIDENT OFFICERS AND ATTORNEYS-IN-FACT.** The President or any Vice President, acting with any Secretary or Assistant Secretary, shall have the authority to appoint Resident Vice Presidents and Attorneys-In-Fact, with the power and authority to sign, execute, acknowledge and deliver on its behalf, as Surety: Any and all undertakings of suretyship and to affix thereto the corporate seal of the corporation. The President or any Vice President, acting with any Secretary or Assistant Secretary, shall also have the authority to remove and revoke the authority of any such appointee at any time."

does hereby make, constitute and appoint

D. A. Johansen or S. Edward Copple or Karen Kyncl, Lincoln, Nebraska

its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver for and on its behalf, as Surety:
Any and all undertakings of suretyship

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its offices in Lincoln, Nebraska, in their own persons.

The following Resolution was adopted at the Regular Meeting of the Board of Directors of the **UNIVERSAL SURETY COMPANY**, held on July 23, 1981:

"RESOLVED, That the signatures of officers of the Company and the seal of the Company may be affixed by facsimile to any Power of Attorney executed in accordance with Article V-Section 6 of the Company Bylaws; and that any such Power of Attorney bearing such facsimile signatures, including the facsimile signature of a certifying Assistant Secretary and facsimile seal shall be valid and binding upon the Company with respect to any bond, undertaking or contract of suretyship to which it is attached."

All authority hereby conferred shall remain in full force and effect until terminated by the Company.

IN WITNESS WHEREOF, **UNIVERSAL SURETY COMPANY** has caused these presents to be signed by its Vice President and its corporate seal to be hereunto affixed this 17th day of February, 20 10.

UNIVERSAL SURETY COMPANY



Secretary

By



Vice President

State of Nebraska

ss.

County of Lancaster



On this 17th day of February, 20 10, before me personally came Curtis L. Hartter, to me known, who being by me duly sworn, did depose and say that (s)he resides in the County of Lancaster, State of Nebraska; that (s)he is the Vice President of the **UNIVERSAL SURETY COMPANY**, the corporation described in and which executed the above instrument; that (s)he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said corporation; that (s)he signed (his) (her) name by like order, and that Bylaw, Article V-Section 6, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

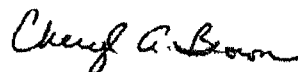


My Commission Expires February 16, 2014.

Notary Public

I, Cheryl A. Brown, Assistant Secretary of **UNIVERSAL SURETY COMPANY**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said **UNIVERSAL SURETY COMPANY**, which is still in full force and effect.

Signed and sealed at the City of Lincoln, Nebraska this 13th day of APRIL, 20 11.



Assistant Secretary



BOND OF OCCUPIER OF PUBLIC SPACE

Bond No. 109807

KNOW ALL MEN BY THESE PRESENTS, that we, B & J PARTNERSHIP, LTD, PO BOX 81906,
of LINCOLN, NE 68501
as Principal, and UNIVERSAL SURETY COMPANY
a corporation duly licensed to do business in the State of Nebraska, as Surety, are held and firmly bound unto the CITY
OF LINCOLN, NEBRASKA, in the penal sum. of FIVE-THOUSAND AND NO/100

Dollars (\$5,000.00),
lawful money of the United States, for which payment well and truly to be made we bind ourselves and our heirs,
executors, administrators, legal representatives, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that, whereas, the Principal has made application to the
City of Lincoln for permission to occupy space underneath, upon, or above public property at or adjacent to the
following described location in the City of Lincoln, Lancaster County, Nebraska, to wit: 800 "Q" Street,
Lincoln, NE Use of Area Beneath Sidewalk

RESOLUTION #A-57992.

NOW, THEREFORE, if the Principal and his heirs, successors, or assigns shall faithfully perform and in all
things strictly comply with all conditions which now are or which may hereafter be required by Section 14.54.040 of
the Lincoln Municipal Code to be contained in the surety bond specified by said section, which conditions are hereby
incorporated by reference and made to apply to the above described occupation of space, then this obligation shall be
void, otherwise to remain in full force and effect until terminated as hereinafter provided.

THIS BOND MAY BE TERMINATED at any time by the Surety upon sending notice in writing, by certified
mail, to the City Clerk of said City and to the Principal, addressed to them at City of Lincoln, County-City Building,
555 South 10th Street, Lincoln, Nebraska 68508, and at the expiration of thirty (30) days from the receipt of said
notice, this bond shall ipso facto terminate and the Surety shall thereupon be released from any liability for any acts or
omissions of the Principal subsequent to said date.

DATED this 20th day of July 20 09

B & J PARTNERSHIP, LTD

Principal

By: Michael J. Tavlin Chief Financial Officer
MICHAEL J. TAVLIN (Show Legal Capacity)

UNIVERSAL SURETY COMPANY

Surety

BY: D. A. Johansen
D. A. JOHANSEN, Attorney-in-Fact

Approved as to Form:

City Attorney

(Accompany this bond with Attorney-in-Fact's authority from Surety, certified to include the date of the bond.)

UNIVERSAL SURETY COMPANY

Lincoln, Nebraska

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That the **UNIVERSAL SURETY COMPANY**, a corporation of the State of Nebraska having its principal office in the City of Lincoln, Nebraska, pursuant to the following Bylaw, which was adopted by the Board of Directors of the said Company on July 23, 1981, to wit:

"Article V-Section 6. **RESIDENT OFFICERS AND ATTORNEYS-IN-FACT.** The President or any Vice President, acting with any Secretary or Assistant Secretary, shall have the authority to appoint Resident Vice Presidents and Attorneys-In-Fact, with the power and authority to sign, execute, acknowledge and deliver on its behalf, as Surety; Any and all undertakings of suretyship and to affix thereto the corporate seal of the corporation. The President or any Vice President, acting with any Secretary or Assistant Secretary, shall also have the authority to remove and revoke the authority of any such appointee at any time."

does hereby make, constitute and appoint

D. A. Johansen or S. Edward Copple or Karen Kyncl, Lincoln, Nebraska

its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver for and on its behalf, as Surety:

Any and all undertakings of suretyship

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its offices in Lincoln, Nebraska, in their own persons.

The following Resolution was adopted at the Regular Meeting of the Board of Directors of the **UNIVERSAL SURETY COMPANY**, held on July 23, 1981:

"RESOLVED, That the signatures of officers of the Company and the seal of the Company may be affixed by facsimile to any Power of Attorney executed in accordance with Article V-Section 6 of the Company Bylaws; and that any such Power of Attorney bearing such facsimile signatures, including the facsimile signature of a certifying Assistant Secretary and facsimile seal shall be valid and binding upon the Company with respect to any bond, undertaking or contract of suretyship to which it is attached."

All authority hereby conferred shall remain in full force and effect until terminated by the Company.

IN WITNESS WHEREOF, **UNIVERSAL SURETY COMPANY** has caused these presents to be signed by its Vice President and its corporate seal to be hereunto affixed this 9th day of April, 20 07.

UNIVERSAL SURETY COMPANY



Secretary

State of Nebraska

By



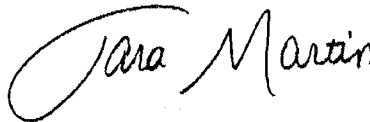
Vice President

County of Lancaster

ss.

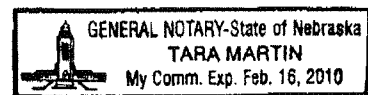


On this 9th day of April, 20 07, before me personally came Curtis L. Hartter, to me known, who being by me duly sworn, did depose and say that (s)he resides in the County of Lancaster, State of Nebraska; that (s)he is the Vice President of the **UNIVERSAL SURETY COMPANY**, the corporation described in and which executed the above instrument; that (s)he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; that (s)he signed (his) (her) name by like order; and that Bylaw, Article V-Section 6, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.



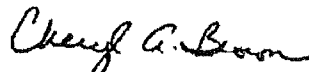
Notary Public

My Commission Expires February 16, 2010.



I, Cheryl A. Brown, Assistant Secretary of **UNIVERSAL SURETY COMPANY**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said **UNIVERSAL SURETY COMPANY**, which is still in full force and effect.

Signed and sealed at the City of Lincoln, Nebraska this 20th day of July, 20 09.



Assistant Secretary





CERTIFICATE OF LIABILITY INSURANCE

OP ID: TG

DATE (MM/DD/YYYY)

03/22/11

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Copple Insurance Agency, Inc. P.O. Box 83405 Lincoln, NE 68501- D. Arnie Johansen, CPCU, ARM		402-475-3213	CONTACT NAME: PHONE (A/C, No. Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: SPEED-1	FAX (A/C, No):
INSURED Speedway Motors, Inc. P.O. Box 81906 Lincoln, NE 68501	INSURER(S) AFFORDING COVERAGE			NAIC #
	INSURER A : Cincinnati Specialty			
	INSURER B : Cincinnati Insurance Company			10677
	INSURER C :			
	INSURER D :			
	INSURER E :			
	INSURER F :			

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			CSU0024460	12/31/10	01/01/12	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 1,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY			COP2324178	12/31/10	01/01/12	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS						
	<input type="checkbox"/> NON-OWNED AUTOS						
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR			CSU0024461	12/31/10	01/01/12	EACH OCCURRENCE \$ 4,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$ 4,000,000
	DEDUCTIBLE						
	RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input type="checkbox"/> N	N/A				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The City of Lincoln is included as Additional Insured on the General Liability Policy. Project: Tool House - 8th & O Streets

CERTIFICATE HOLDER**CANCELLATION**

CITY-10 City of Lincoln Engineering Dept. Attn: Harry Kroos 555 SOUTH 10TH STREET Lincoln, NE 68508	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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